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5/30/01  
MAFILED  
HARRISBURG, PA

MAY 29 2001

MARY E. D'ANDREA, CLERK  
Per ~~AM~~  
Deputy Clerk

STEVEN L. ROMANSKY,	:
	:
Petitioner	:
	:
v.	:
	:
CONNER BLAINE, JR.,	:
	:
Respondent	:
	:

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

The captioned petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was initiated on August 25, 2000, by Steven Romansky, an inmate presently confined at the State Correctional Institution at Greene in Waynesburg, Pennsylvania ("SCI-Greene"). By order of January 11, 2001, the Clerk was directed to serve the petition, (Doc. No. 1), and petitioner's memorandum in support of habeas corpus, (Doc. No. 3), on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Wayne County. A response brief was filed on January 31, 2001 (Doc. No. 7). Petitioner's traverse was filed on February 9, 2001.

A review of the file reveals that a notice in accordance with United States v. Miller, 197 F.3d 644 (3d Cir. 1999) was never issued. The purpose of this order is to issue the Miller

notice and grant Romansky a period of time to amend his petition if he desires to do so.

Romansky is advised that:

You filed an action on August 25, 2000, challenging your conviction. You have labeled your action as one brought under §2254. Please carefully read the following attached options and make your choice by placing an "X" in the space indicated. After making your choice, sign and return the attached notice of election to the Clerk of Court, United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, PA, 18501, within forty-five (45) days of the date of this Order. Your options are:

- (1) Have your action or motion ruled upon as filed. In this case have it ruled upon as an action brought under 28 U.S.C. §2254;
- (2) Have your motion recharacterized as a motion brought under 28 U.S.C. §2254 and heard as such. However, if you do so, you will lose your ability to file later or successive petitions under 28 U.S.C. §2254 unless you receive certification from the United States Court of Appeals for the Third Circuit to do so; or,
- (3) Withdraw the petition and file one all-inclusive petition under 28 U.S.C. §2254 within the one year period provided in 28 U.S.C. §2244(d). You must refer to 28 U.S.C. §2244(d) to determine when this one year period begins to run. The reason you may wish to select this option is because you will lose your ability to file later or successive petitions under 28 U.S.C. §2254 unless you receive certification from the United States Court of Appeals for the Third Circuit to do so.

If you do not choose your option by marking the place indicating your choice on the attached notice of election, the Court will rule on your petition as filed.



Sylvia H. Rambo  
United States District Judge

Dated: May 29, 2001.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN L. ROMANSKY,	:
	:
Petitioner	:
	:
v.	:
	CIVIL NO. 3:CV-00-1520
CONNER BLAINE, JR.,	:
	:
Respondent	:
	:

**NOTICE OF ELECTION**

I, Steven Romansky, petitioner in the above-captioned action, have read the Order of Court which accompanied this form notice. Pursuant to that order, I elect to proceed in this action as follows:

Option 1. - The Court should rule on my case as filed.

Option 2. - Recharacterize and treat my case as a proceeding under 28 U.S.C. §2254. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit.

\_\_\_\_\_  
Option 3. - I wish to withdraw my petition which was filed under 28 U.S.C. §2254 and file one all-inclusive petition; that is one that raises all the grounds I have. I realize this all-inclusive petition must be filed within the one year period as defined by 28 U.S.C. §2244(d).

Date: \_\_\_\_\_

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Steven Romansky  
Petitioner

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

May 29, 2001

Re: 1:00-cv-01520 Romansky v. Blaine

True and correct copies of the attached were mailed by the clerk to the following:

Steven L. Romansky  
SCI-GREENE  
AY-8324  
1030 East Roy Furman Highway  
Waynesburg, PA 15370-8089

(With election form)

Andrea F. McKenna, Esq.  
Office of the Attorney General  
Strawberry Sq.  
16th Floor  
Harrisburg, PA 17120 Fax No.: 717-787-6346

cc:

Judge	(X )	(X )	Pro Se Law Clerk
Magistrate Judge	( )	( )	INS
U.S. Marshal	( )	( )	Jury Clerk
Probation	( )		
U.S. Attorney	( )		
Atty. for Deft.	( )		
Defendant	( )		
Warden	( )		
Bureau of Prisons	( )		
Ct Reporter	( )		
Ctroom Deputy	( )		
Orig-Security	( )		
Federal Public Defender	( )		
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )	
Standard Order 93-5	( )		
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )	
Bankruptcy Court	( )		
Other	( )		

MARY E. D'ANDREA, Clerk

5/29/01

